

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E D N Y

★ JUN 19 2012 ★

LONG ISLAND OFFICE

AGLAIDE OSCAR & NINA ROBINSON,

Plaintiffs,

-against-

PROFESSIONAL CLAIMS BUREAU, INC.,

Defendant.

FEUERSTEIN, J.

ORDER
CV-11-5319(SJF)(WDW)

Pending before the Court is the Report and Recommendation ("the Report") of Magistrate Judge William D. Wall, dated June 1, 2012, recommending: (1) that defendant's motion to dismiss the amended complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure be granted in part and denied in part; (2) that the claims of plaintiff Aglaide Oscar ("Oscar") be dismissed in their entirety with prejudice; (3) that the claims of plaintiff Nina Robinson ("Robinson") pursuant to Sections 1692e(10) and 1692f of the Fair Debt Collection Practices Act ("FDCPA") be dismissed in their entirety with prejudice; and (4) that Robinson's claims pursuant to Sections 1692c(b) and 1692d(6) of the FDCPA be dismissed without prejudice and with leave to replead. No objections have been filed to the Report. For the reasons stated herein, the Court accepts Magistrate Judge Wall's Report in its entirety.

I

Any portion of a report and recommendation on dispositive matters, to which a timely objection has been made, is reviewed *de novo*. 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b). The court, however, is not required to review the factual findings or legal conclusions of the magistrate judge as to which no proper objections are interposed. See, Thomas v. Arn, 474 U.S. 140, 150,

106 S.Ct. 466, 88 L.Ed.2d 435 (1985). To accept the report and recommendation of a magistrate judge on a dispositive matter, to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the record. See, Fed. R. Civ. P. 72(b); Johnson v. Goord, 487 F.Supp.2d 377, 379 (S.D.N.Y. 2007), aff'd, 305 Fed. Appx. 815 (2d Cir. Jan. 1, 2009); Baptichon v. Nevada State Bank, 304 F.Supp.2d 451, 453 (E.D.N.Y. 2004), aff'd, 125 Fed.Appx. 374 (2d Cir. 2005). Whether or not proper objections have been filed, the district judge may, after review, accept, reject, or modify any of the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

II

No party has filed any objections to Magistrate Judge Wall's Report. Upon review, the Court is satisfied that the Report is not facially erroneous. Accordingly, the Court accepts Magistrate Judge Wall's Report in its entirety. Defendant's motion to dismiss the amended complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure is granted to the extent that Oscar's claims are dismissed in their entirety with prejudice, Robinson's claims pursuant to Sections 1692e(10) and 1692f of the FDCPA are dismissed in their entirety with prejudice and Robinson's claims pursuant to Sections 1692c(b) and 1692d(6) are dismissed in their entirety without prejudice. Robinson is granted leave to file a second amended complaint in accordance with the Report and this Order **on or before July 20, 2012 or her claims will be deemed dismissed in their entirety with prejudice.**

SO ORDERED.

s/ Sandra J. Feuerstein

SANDRA J. FEUERSTEIN
United States District Judge

Dated: June 19, 2012
Central Islip, New York